

## Remarks

Claims 1-17 and 19 were pending.

Claim 19 is canceled.

Claims 1-17 are amended.

Claim 7 is allowable.

## Claim Amendments

The claims are amended to address the "claim objections" raised by the Examiner. In claims 1-4, the second instance of "binder" is deleted from "binder resin or binder resins". In claims 2-16, commas are inserted after "according to claim x". In claim 6, the Markush group of X is repaired. In claim 17, line 2, "of" is inserted after "steps".

Claim 7 is amended to depend on claim 5 and to be more clear. The compound of formula (O1) is an alkoxyamine initiator/regulator and is not a partial structural element.

In claim 1, "polymerisation" is replaced with "polymerization" to be consistent with claim 5.

Claim 13 is amended to state that the molecular weight is "number average". Support is in working Examples 1A-9A and 12A-15A on pages 51-54 and 55-56. In these Examples, the present compounds of formula (I) are prepared by nitroxyl mediated polymerization and the molecular weight is reported as number average.

The claims are otherwise amended to have proper punctuation.

No new matter is added.

## **Claim Objections**

The claim objections are addressed by amendment as outlined above.

## **Claim Rejections**

Claim 13 is rejected under 35 USC 112, second paragraph, for reasons of record.

The Examiner points out that the type of molecular weight is not specified.

This rejection is addressed by amendment as outlined above.

Claim 19 is rejected under 35 USC 103(a) as being unpatentable over Schimmel, et al., U.S. Pat. No. 6,197,883 in view of Sherwin, et al., U.S. Pat. No. 4,711,944.

Claim 19 is canceled.

Claims 1-6, 8-9, 11-13 and 16-17 are rejected under 35 USC 103(a) as being unpatentable over Schimmel in view of Kramer, et al., U.S. Pat. No. 6,433,100.

Claims 10, 14 and 15 are rejected under 35 US 103(a) as being unpatentable over Schimmel in view of Kramer an further in view of Sherwin.

Schimmel is cited as teaching a thermosetting powder coating composition comprising an epoxide functional polymer, a crosslinking agent and a flow-control agent. The flow control agent is prepared by controlled radical polymerization (Abstract).

Sherwin is cited as teaching a coating employing branched polymers of tert-butylacrylate.

Kramer is cited as disclosing polymers prepared by ATRP and replacing the end group halogen with a nitroxyl group.

The Examiner states that it would have been obvious to a person skilled in the art at the time of the invention to have modified the flow control agent of Schimmel by replacing the terminal halogen left from the ATRP process with the R'R"N-O group taught by Kramer so that the resulting coating is free of the drawbacks resulting from the presence of the terminal halogen.

Applicants respectfully rebut these rejections.

Firstly, the limitations of the present claims are not met by the combined disclosures of the cited art. The present claims require that the levelling agent of component b) is obtained by nitroxyl mediated controlled free radical polymerization. The flow control agents of Schimmel and the polymers of Kramer are prepared by controlled free radical polymerization but not by nitroxyl mediated polymerization. In Kramer, the nitroxyl group is introduced in a further step.

Further, Applicants point to the outstanding results achieved with the present invention. Applicants point to Example 3B on pages 59 and 60 of the specification. Example 3B is aimed at non-pigmented powder coatings based on glycidyl methacrylate acrylic resin. In both the 70 and 40 micron thick films, the yellowness (b\*) and the longwave are outstanding. Low values for b\* indicate low yellowing and low values for longwave indicate greater smoothness (section bridging pages 57 and 58). The present results are outstanding and could not have been expected.

In view of these remarks and the results of the working Examples, Applicants submit that these rejections are addressed and are overcome.

In view of all of the above, Applicants submit that each of the rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are now in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



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